

**IN THE UNITED STATE BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE: EDWARD CHARLES RAJUI

CASE NO. 22-32387-H5

DEBTOR

CHAPTER 13

**DEBTOR'S SECOND EMERGENCY MOTION TO VACATE ORDER OF DISMISSAL
(DOCKET NO. 121)**

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY

EMERGENCY RELIEF HAS BEEN REQUESTED. IF THE COURT CONSIDERS THE MOTION ON AN EMERGENCY BASIS, THEN YOU WILL HAVE LESS THAN 21 DAYS TO ANSWER. IF YOU OBJECT TO THE REQUESTED RELIEF OR IF YOU BELIEVE THAT THE EMERGENCY CONSIDERATION IS NOT WARRANTED, YOU SHOULD FILE AN IMMEDIATE RESPONSE.

EMERGENCY RELIEF IS NEEDED BY March 15, 2024. Emergency relief is required because as per the Order of Dismissal Post-Confirmation for Non-Payment, Debtor may seek to vacate the dismissal order by paying the plan payment arrears in the amount of \$43,350.00 under Docket No. 121. Further, under the Order Denying Emergency Motion to Vacate Order of Dismissal under Docket No. 124, the Debtor may seek to vacate the dismissal order for non-payment, when the Trustee payments are current, if this occurs within a reasonable period.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, EDWARD CHARLES RAJUI, Debtor herein, and files this Second Emergency Motion to Vacate Order of Dismissal (Docket No. 121) and would respectfully show the Court as follows:

1. The Chapter 13 Trustee, Tiffany D. Castro, filed a Motion to Dismiss on December 18, 2023, under docket no. 114, for non-payment. Said Motion was granted by this Court on February 4, 2024, under docket no. 121.

2. Under the Order of Dismissal Post Confirmation for Non-Payment, Debtor seeks to vacate the dismissal order of his Chapter 13 case by paying the plan payment arrears in the amount of \$43,350.00.

3. Debtor had received a large deposit on 02/14/2023 and the funds were held by Debtor's bank until 02/23/2024 and were not available to send to the Trustee until 02/26/2024.

4. Debtor posted to the Trustee through the TFS system \$9,000.00 on 02/09/2024 and the remainder \$34,350.00 was sent by a wire transfer on 02/26/2024. Both payments have cleared Debtor's bank.

5. Debtor filed an Emergency Motion to Vacate Order of Dismissal on 02/27/2024 under docket no. 123. The motion was denied without prejudice on 02/27/2027, under docket no. 124 and under the Order Denying Emergency Motion to Vacate Order of Dismissal, the Debtor may seek to vacate the dismissal order for non-payment, when the Trustee payments are current, if this occurs within a reasonable period.

6. Debtor initiated the following payments through the TFS system in the amount of \$9,000.00 on 03/08/2024 and \$5,450.00 on 03/11/2024. Both payments have been deducted from Debtor's account and the TFS system shows both payments as cleared. The Trustee should receive the payments by 03/15/2024. A copy of the proof of payments are attached as Exhibit "A".

7. Debtor will start the process with TFS for the March payment on 03/15/2024. Debtor can only send \$9,000.00 at one time through TFS, which is the reason he has to break up the payment amount. A copy of the proof of scheduled payment is attached as Exhibit "B".

WHEREFORE, PREMISES CONSIDERED, Debtor prays that this Court enter an Order vacating the order dismissing this Chapter 13 Case (Docket No. 121) or set for hearing, and for all other relief that is just and proper.

Respectfully submitted,

RASHID LAW FIRM

/s/ RADI M. RASHID

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Attorney for Debtor

CERTIFICATE OF SERVICE

I, hereby certify that a true and correct copy of the foregoing Debtor's Second Emergency Motion to Vacate Order of Dismissal (Docket No. 121) was served to all parties in interest at the addresses set forth below by via first class, telephonic transmission and/or served by electronic means to all interested parties registered with the CM/ECF system on March 15, 2024.

/s/ RADI M. RASHID

RADI M. RASHID
Attorney for Debtor

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Bank of America
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Chapter 13 Trustee
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Bank of America
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Edward Charles Rajuai
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